

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
CIVIL ACTION NO. 3:15-CV-00148-RJC-DSC**

RAYMOND A. JOHNSON,

Plaintiff,

v.

**EEOC CHARLOTTE DISTRICT
OFFICE, MCKENNEY HONDA R&S
SALES INC., RUBEN DANIELS JR.,
MCKENNEY CADILLAC
CHEVROLET INC., AND KEITH
HAWTHORNE HYUNDAI,**

Defendants.

**MEMORANDUM AND
RECOMMENDATION**

THIS MATTER is before the Court on “Defendants McKenney Cadillac Chevrolet, Inc. and McKenney Honda R & S Sales, Inc.’s Motion for Sanctions Against Plaintiff,” Doc. 33, filed November 13, 2015. This Motion has been referred to the undersigned Magistrate Judge pursuant to 28 U.S.C. § 636(b) and is now ripe for disposition.

Defendants seek sanctions against Plaintiff for his “Motion Request (1) to this Court Warrant Sanction for Attorney Michael L. Carpenter and Christopher M. Welchel...,” Doc. 19, and for repeated use of abusive language in the Motion and in prior pleadings filed with this Court. The Court has carefully examined the record, the parties’ arguments and the applicable authorities.

The Court respectfully recommends that the Motion be **DENIED as duplicative** since the undersigned has already recommended that Plaintiff be sanctioned for the filing of this Motion.

On October 9, 2015, the Court issued a Memorandum and Recommendation, Doc. 26, on Plaintiff's Motion for Sanctions, Doc. 19. In that Memorandum and Recommendation, the undersigned recommended that the Motion be denied and further recommended that "the District Judge issue an Order that Plaintiff show cause why he has not violated Rule 11(b) and be subject to sanctions." Doc. 19 at 3. This Memorandum and Recommendation is currently pending before the District Judge.

Additionally, in a separate Memorandum and Recommendation, Doc. 31, the undersigned recommended that Plaintiff be ordered to show cause why sanctions and a pre-filing injunction should not be entered against him. This Memorandum and Recommendation is also pending before the District Judge.

IV. RECOMMENDATION

FOR THE FOREGOING REASONS, the undersigned respectfully recommends that "Defendants McKenney Cadillac Chevrolet, Inc. and McKenney Honda R & S Sales, Inc.'s Motion for Sanctions Against Plaintiff," Doc. 33, be **DENIED as duplicative.**

V. NOTICE OF APPEAL RIGHTS

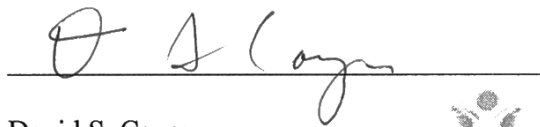
The parties are hereby advised that, pursuant to 28 U.S.C. § 636(b)(1)(c), written objections to the proposed findings of fact and conclusions of law and the recommendation contained in this Memorandum must be filed within fourteen (14) days after service of same. Failure to file objections to this Memorandum with the District Court constitutes a waiver of the right to de novo review by the District Judge. Diamond v. Colonial Life, 416 F.3d 310, 315-16 (4th Cir. 2005); Wells v. Shriners Hosp., 109 F.3d 198, 201 (4th Cir. 1997); Snyder v. Ridenour, 889 F.2d 1363, 1365 (4th Cir. 1989). Moreover, failure to file timely objections will also preclude the parties from raising such objections on appeal. Thomas v. Arn, 474 U.S. 140, 147 (1985); Diamond, 416

F.3d at 316; Page v. Lee, 337 F.3d 411, 416 n.3 (4th Cir. 2003); Wells, 109 F.3d at 201; Wright v. Collins, 766 F.2d 841, 845-46 (4th Cir. 1985); United States v. Schronce, 727 F.2d 91 (4th Cir. 1984).

The Clerk is directed to send copies of this Memorandum and Recommendation to pro se Plaintiff, counsel for Defendants, and to the Honorable Robert J. Conrad, Jr.

SO RECOMMENDED.

Signed: January 6, 2016

A handwritten signature in cursive script, appearing to read "D S Cayer", is written over a horizontal line.

David S. Cayer
United States Magistrate Judge

